

**KATE McKENNA, AICP**  
Executive Officer

**MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**  
*Adopted on December 7, 2009*

*An audio/video recording of this meeting is available at the LAFCO office. Please contact us at (831) 754-5838 to arrange a time to listen or to order a copy.*

**Regular Meeting**  
**Monday, September 28, 2009, 4:00 p.m.**  
**Board of Supervisors Chambers**  
**Monterey County Government Center**  
**168 West Alisal, First Floor**  
**Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order by Chair Salinas at 4:09 p.m. in the Monterey County Board of Supervisors Chambers. Commissioner Gourley led the Pledge of Allegiance.

**ROLL CALL**

**Members Present**

Commissioner Salinas, Chair (*County Member*)  
Commissioner Perkins, Vice-Chair (*Special District Member*)  
Commissioner Calcagno (*County Member*)  
Commissioner Champion (*Special District Member*)  
Commissioner Darington, Alternate (*Public Member*)  
Commissioner DiMaggio (*Public Member*)  
Commissioner Donohue (*City Member*)  
Commissioner Moore, Alternate (*Special District Member*)  
Commissioner Rubio (*City Member*)

**Members Not Present, Presence Not Required**

Commissioner Armenta, Alternate (*County Member*)  
Commissioner Gourley, Alternate (*City Member*)

**Staff Present**

Kate McKenna, AICP, Executive Officer  
Thom McCue, AICP, Senior Analyst  
Leslie Girard, LAFCO General Counsel  
Richard Egger, LAFCO Special Counsel – Via Telephone for Closed Session Item  
Rachelle Jones, LAFCO Clerk

**Item 4: Minutes**

**4.a Consider and Approve Draft Minutes of August 24, 2009 Regular LAFCO Meeting.**

**4.b Accept Draft Meeting Notes of September 14, 2009 LAFCO Budget and Finance Committee Meeting.**

**4.c Accept Draft Meeting Notes of September 14, 2009 LAFCO Sphere of Influence and Annexation Policy Committee Meeting.**

Executive Officer McKenna announced that there is a correction for the August 24 minutes. Commissioner Moore was present at that meeting, arriving at 4:10.

There were no public comments for these items.

**Commission Action**

Upon Motion of Commissioner Champion, seconded by Commissioner Rubio, Minutes of the August 24, 2009, Meeting Notes of the September 14, 2009 LAFCO Budget and Finance Committee, and Meeting notes of the September 14, 2009 Sphere of Influence and Annexation Policy Committee Meeting, were unanimously adopted.

**Item 5: Public Comment:**

Frank Lunding commented on a letter that he submitted at the September 14, 2009 LAFCO Budget and Finance Committee meeting. The letter addressed the fiscal stability of the proposed Town of Carmel Valley. Bill Carrothers outlined spreadsheets that he submitted concerning the housing market.

**Item 6: Commissioner Comment:**

None

**Item 7: (a-i): Consent Agenda:**

There was no public or Commission comment for these items.

**Commission Action**

- a. Upon Motion of Commissioner Calcagno, seconded by Commissioner Perkins, Consent Agenda Items (a-i): Draft Financial Statements for the Period Ended June 30, Draft Financial Statements for the Period Ended July 31, 2009, The Register of Checks Paid in August 2009, California Association of Local Agency Formation Commissions (CALAFCO) Legislation Report, List of Anticipated Future Agenda Items, Submittal of Nomination for 2009 CALAFCO Award, Resolution to Authorize Employee Participation in the CalPERS 457 Employee Loan Program, at No Cost to LAFCO of Monterey County, Comments on the Initial Study / Negative Declaration for the Carmel Highlands On-Site Wastewater Management Plan (Monterey County Health Department), Progress Report on LAFCO's Comprehensive Program for Municipal Service Reviews and Sphere of Influence Reviews, were unanimously accepted or approved.

**Item 8: New Business**

**8.a Consider Draft Work Program for Development of Agricultural Land Buffer Policies.**

Executive Officer McKenna explained that a draft work program had been prepared in consultation with LAFCO's General Counsel and considered by the Policies Committee. General Counsel Girard summarized the legal issues and analysis.

Chair Salinas opened this item for public comment.

**Public Comment**

Brian Finegan thanked Executive Officer McKenna and General Counsel Girard for their papers on the subject of agricultural buffers, and asked that the Commission keep the distinction between agricultural buffers and conservation easements in mind as LAFCO moves forward.

Bill Farrel, City of Gonzales, spoke in support of staff recommendations and provided information about his City's General Plan.

Frank Pierce explained that the issue being discussed is the impact on agriculture and the residents, on either side of the buffer.

Vanessa Vallarta, Salinas City Attorney, provided no formal comment on the policy. However, she asked staff to elaborate on plans to continue discussions with the key stakeholders.

Chair Salinas closed this item to public comment.

**Commission Comment and Action**

Commissioners discussed the draft work program for development of agricultural land buffer policies with Executive Officer McKenna and General Counsel Girard. Comments addressed the distinctions between agricultural buffers and conservation easements, and a need for the process to include listing the draft policies recommended by the Policies Committee as an information item at a future Commission meeting to allow for adequate time for policy review, with the draft policies then being referred back to the Policies Committee for modifications, if any, and then back to the full Commission for adoption at a subsequent public hearing if there are no further changes.

Upon Motion of Commissioner DiMaggio, seconded by Commissioner Donohue, the work program to develop draft agricultural land buffer policies, with consideration of the above Commission comments, was unanimously approved for referral to the Sphere of Influence and Annexation Policies Committee.

**8.b Consider a Referral to Budget and Finance Committee to Develop a Draft Policy Regarding Deferral of Required Payments to Fund the Commission's Annual Budget.**

Executive Officer McKenna provided report.

There was no public comment for this item.

Commission Comment and Action

Commission discussed referral of a draft policy to LAFCO's Budget and Finance Committee with Executive Officer McKenna and General Counsel Girard.

Upon Motion of Commissioner Rubio, seconded by Commissioner Perkins, preparation of a draft policy regarding deferral of required payment to fund the Commission's Annual Budget was unanimously referred for review by the Budget and Finance Committee for a recommendation to the full Commission.

**8.c Consider Establishment of a Regional Governance Structure for CALAFCO.**

Chair Salinas provided report concerning the options under discussion for representation on the CALAFCO Board of Directors.

There was no public comment for this item.

Commission Action

Commissioners discussed options with Chair Salinas.

Upon Motion of Commissioner DiMaggio, seconded by Commissioner Perkins, authorization to continue discussions toward establishing a regional governance structure for the California Association of Local Agency Formation Commissions (CALAFCO), was unanimously approved.

**Item 9: Executive Officer's Report**

There were no additional items to report.

**Item 10: Correspondence**

There were no additional items of correspondence to report.

**Item 11: Closed Session**

**Under Government Code Section 54950 et.seq.:**

**a. Pursuant to Government Code Section 54956.9(a) – Existing Litigation**

**The Commission Conferred with Special Legal Counsel Regarding the Following Item:**

**Franklin J. Lunding, Planning 2020, Inc., and Protect Carmel Valley  
(Petitioners) vs. Local Agency Formation Commission of Monterey County  
and Carmel Valley Forum (Respondents) Superior Court Case Number  
M96638**

**b. Pursuant to Government Code Section 54956.9 (b) – Potential Litigation**

**The Commission Conferred with LAFCO Special Legal Counsel Regarding One Case  
of Potential Litigation.**

**c. Pursuant to Government Code Section 54956.9 (b) – Potential Litigation**

**The Commission Conferred with LAFCO General Counsel Regarding One Case of Potential Litigation.**

The meeting was called into closed session by Chair Salinas.

Chair Salinas reopened the meeting from closed session with no reportable action.

**Item 12: Adjournment**

On motion of Chair Salinas, there being no objection, the meeting was unanimously adjourned at 5:36 p.m. to the next Regular LAFCO Meeting to be held on Monday, October 26, 2009 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California.

Respectfully Submitted,

Rachelle Jones  
LAFCO Clerk